

Date: August 14, 2019

To: Board of Directors

From: Doug Kelsey

Subject: **RESOLUTION NO. 19-08-66 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) DECLARING CERTAIN REAL PROPERTY AS NECESSARY FOR CONSTRUCTION AND OPERATION OF THE DIVISION TRANSIT PROJECT**

1. Purpose of Item

This Resolution requests the TriMet Board of Directors (Board) to declare that certain real property and real property interests are necessary for the construction and operation of the Division Transit Project (Project), and to authorize the General Manager or his designee to make offers to acquire that property by purchase or by the power of eminent domain.

2. Type of Agenda Item

- Initial Contract
 Contract Modification
 Other Declaration of Necessity of Real Property

3. Reason for Board Action

Chapter 267 of the Oregon Revised Statutes authorizes TriMet to acquire real property by purchase or eminent domain, and ORS 35.235 requires the Board to declare the necessity and purpose for which it is required.

4. Type of Action

- Resolution
 Ordinance 1st Reading
 Ordinance 2nd Reading
 Other _____

5. Background

The Project will provide high-capacity transit service along the 15-mile SE Division corridor between downtown Portland and Gresham, using 60 foot long articulated buses. The Project will consist of more than 40 stations and 80 platforms, with upgraded rider amenities. The articulated buses operating within the Project will utilize transit signal priority at signalized intersections to create more reliable and faster service than currently possible on the existing SE Division bus lines. TriMet anticipates that consolidated stops, along with three-door boarding and fare payment, will significantly reduce dwell times, speeding up the entire ride. The Project also includes roadway upgrades, active transportation improvements, and safe connections to transit.

Since January 2017, TriMet has been developing the Project under a Federal Transit Administration (“FTA”) Small Starts grant, and the FTA will continue to oversee activities through construction and operation of the new transit service. The Board will be requested to authorize commencement of construction work pursuant to a separate Resolution.

In order to construct and operate the Project, TriMet will need to acquire certain real property and interests in real property. Much of the Project is in a constrained transportation corridor, and care has been taken to design the Project so as to have the least impact possible on private property. TriMet does not expect to acquire entire properties for the Project. Most of the property interests required are either temporary construction easements or small acquisitions of strips of property adjacent to the public right of way, necessary to allow for the expansion of the right of way.

6. Financial/Budget Impact

The purchase of necessary property is a Project cost, and is included in the Project budget.

7. Impact if Not Approved

This Resolution is required in order for TriMet to acquire the real property and real property interests necessary to construct and operate the Project. After approval of the Resolution, TriMet staff will make formal written offers to purchase property based on independent appraisals, and will attempt to agree with the property owners to acquire the identified properties. TriMet is confident the vast majority, if not all of the properties will be acquired by negotiation, and this Resolution does not authorize TriMet to file any condemnation lawsuits. Further action by the Board will be necessary to authorize TriMet to condemn real property, and staff will return to the Board in the future for any necessary authorizations.

RESOLUTION NO. 19-08-66

RESOLUTION NO. 19-08-66 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) DECLARING CERTAIN REAL PROPERTY AS NECESSARY FOR CONSTRUCTION AND OPERATION OF THE DIVISION TRANSIT PROJECT

WHEREAS, the Division Transit Project (Project) is a high-capacity transit project between Gresham and Portland designed to accommodate and improve transportation options along the SE Division Street corridor in the Portland metropolitan region; and

WHEREAS, Metro began planning for the Project in 2014 by convening a Steering Committee and holding a series of public open houses and meetings, culminating in approval of the Project plan, known as the Locally Preferred Alternative, in November 2016, which was unanimously approved by the cities of Gresham and Portland, the Multnomah County Commission and the TriMet Board of Directors; and

WHEREAS, the Project has been approved for a Federal Transit Administration (FTA) Small Starts grant; and

WHEREAS, TriMet has identified certain real property and real property interests as necessary to acquire for the construction and operation of the Project; and

WHEREAS, pursuant to ORS 267.200(2) and ORS 267.225(2), TriMet is authorized and empowered to acquire by condemnation, purchase, lease, devise, gift or voluntary grant real and personal property or any interest therein located inside the TriMet boundaries; and

WHEREAS, pursuant to ORS 35.235, after the Board first declares by Resolution the necessity for the acquisition of real property and the purpose for which it is required, TriMet is authorized to attempt to agree with the owner of said real property on the amount of compensation to be paid therefore, and the damages, if any, for the taking thereof.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board hereby declares that the acquisition of certain real property and real property interests, described generally in Exhibits A and B attached hereto, and made a part hereof as if fully set forth herein, is necessary for the construction and operation of the Project.
2. That the construction of the Project is necessary for the public interest, and has been planned, designed, located and will be constructed in a manner that will be most compatible with the greatest public good and the least private injury.

3. That the General Manager or his designee is authorized and directed to attempt to make agreements with the owners of the real property and any other persons in interest as to the compensation to be paid for the real property identified in the attached Exhibits A and B, and damages, if any, for the taking thereof, and is authorized to make a binding offer of such compensation.


Dated: August 14, 2019

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department

Exhibit A
Resolution 19-08-66
Division Transit Project
Impacted Properties

DIVISION TRANSIT PROJECT LIST OF IMPACTED PARCELS - SEE MAP SHEETS FOR ACQUISITION AREA

90% ROW Page #	NEPA Property ID	Tax Lot ID #	Site address	Jurisdiction
ROW01	199	1S1E02CD -09200	2421-2455 SE 11TH AVE	PORTLAND
ROW01	200	1S1E02CD -09800	1001-1011 SE 11TH AVE	PORTLAND
ROW01	536	1S1E11BA -02100	1222 SE DIVISION ST	PORTLAND
ROW01	537	1S1E11BA -02200	1212 SE DIVISION ST	PORTLAND
ROW01	539	1S1E11BA -06400	1100 SE DIVISION ST	PORTLAND
ROW01	515	1S1E11AB -02000	1954 SE DIVISION ST	PORTLAND
ROW01	511	1S1E11AB -00100	1954 SE DIVISION ST	PORTLAND
ROW01	238	1S1E02DD -21000	1949 SE DIVISION ST	PORTLAND
ROW02	120	1S1E01CC -18700	2515 SE DIVISION ST, UN A	PORTLAND
ROW02	121	1S1E01CC -18800	2425-2429 SE 26TH AVE	PORTLAND
ROW02	600	1S1E12BB -04800	2624 SE DIVISION ST	PORTLAND
ROW02	601	1S1E12BB -06200	2524 SE DIVISION ST	PORTLAND
ROW02	605	1S1E12BB -90000	2600 SE Division ST	PORTLAND
ROW02	114	1S1E01CC -05700	2615 SE DIVISION ST	PORTLAND
ROW02	127	1S1E01CD -10000	3003 SE DIVISION ST	PORTLAND
ROW02	129	1S1E01CD -10200	3021 W/ SE DIVISION ST	PORTLAND
ROW02	130	1S1E01CD -10300	3015-3017 SE DIVISION ST	PORTLAND
ROW02	131	1S1E01CD -10400	3021 SE DIVISION ST	PORTLAND
ROW02	585	1S1E12BA -06000	3010-3090 SE DIVISION ST	PORTLAND
ROW03	162	1S1E01DC -25700	3377-3379 SE DIVISION ST	PORTLAND
ROW03	169	1S1E01DD -12900	2440 SE CESAR E CHAVEZ BLVD	PORTLAND
ROW03	170	1S1E01DD -13000	2419-2431 SE CESAR E CHAVEZ BLVD	PORTLAND
ROW03	549	1S1E12AA -00800	3930 SE DIVISION ST	PORTLAND
ROW03	554	1S1E12AA -17600	2505 SE CESAR E CHAVEZ BLVD	PORTLAND
ROW03	573	1S1E12AB -08300	3412 SE DIVISION ST	PORTLAND
ROW03	574	1S1E12AB -08400	3402 SE DIVISION ST	PORTLAND
ROW03	167	1S1E01DC -12700	4005 SE DIVISION ST	PORTLAND
ROW03	161	1S1E01DC -10800	3405 SE DIVISION ST	PORTLAND
ROW03	575	1S1E12AB -10000	3384 SE DIVISION ST	PORTLAND
ROW03	572	1S1E12AB -06500	3434 SE DIVISION ST	PORTLAND
ROW04	936	1S2E06CC -18000	4235 SE DIVISION ST	PORTLAND
ROW04	937	1S2E06CC -18100	4211-4225 SE DIVISION ST	PORTLAND
ROW04	943	1S2E06CC -20300	4310 SE DIVISION ST	PORTLAND
ROW04	1042	1S2E06CD -21500	5029 SE DIVISION ST	PORTLAND
ROW04	1044	1S2E06CD -90000	4926 SE DIVISION ST	PORTLAND
ROW04	1107	1S2E06DC -19200	2374 SE 51ST AVE	PORTLAND
ROW04	1108	1S2E06DC -20000	5110 SE DIVISION ST	PORTLAND
ROW04	1142	1S2E07BB -13300	2415 SE 43RD AVE	PORTLAND
ROW05	1100	1S2E06DC -17100	5231 SE DIVISION ST	PORTLAND
ROW05	1100	1S2E06DC -17000	5231 SE DIVISION ST	PORTLAND
ROW05	1092	1S2E06DC -12200	5605 SE DIVISION ST	PORTLAND
ROW05	1093	1S2E06DC -13700	5433 SE DIVISION ST	PORTLAND
ROW05	1120	1S2E06DD -06600	2369-2375 SE 59TH AVE	PORTLAND
ROW05	1121	1S2E06DD -10000	5909 SE DIVISION ST	PORTLAND
ROW05	1122	1S2E06DD -10100	5915 SE DIVISION ST	PORTLAND
ROW05	1123	1S2E06DD -10200	5931-5941 SE DIVISION ST	PORTLAND
ROW05	1131	1S2E06DD -18500	5960 SE DIVISION ST	PORTLAND
ROW05	1132	1S2E06DD -18600	5960 W/ SE DIVISION ST	PORTLAND

ROW05	1133	1S2E06DD -18700	5944 SE DIVISION ST	PORTLAND
ROW05	1134	1S2E06DD -18800	5900-5938 SE DIVISION ST	PORTLAND
ROW05	1135	1S2E06DD -18900	2404-2418 SE 58TH AVE	PORTLAND
ROW05	1121A	1S2E06DD -09900	2362 SE 59TH AVE	PORTLAND
ROW06	827	1S2E05CC -05800	SE 66th and SE DIVISION ST	PORTLAND
ROW06	886	1S2E05DC -02400	7601 SE DIVISION ST	PORTLAND
ROW06	888	1S2E05DC -07300	7501-7505 SE DIVISION ST	PORTLAND
ROW06	889	1S2E05DC -07400	7427-7495 W/ SE DIVISION ST	PORTLAND
ROW06	890	1S2E05DC -12000	7407-7419 SE DIVISION ST	PORTLAND
ROW06	890	1S2E05DC -12900	7230 SE DIVISION ST	PORTLAND
ROW06	891	1S2E05DC -13400	7430 SE DIVISION ST	PORTLAND
ROW06	901	1S2E05DC -13500	7500 SE DIVISION ST	PORTLAND
ROW06	904	1S2E05DC -14103	2401 SE 76TH AVE	PORTLAND
ROW06	905	1S2E05DC -14600	7656 SE DIVISION ST	PORTLAND
ROW06	1149	1S2E08BA -03800	6720-6922 SE DIVISION ST	PORTLAND
ROW06	872	1S2E05CD -05900	2219 SE 68TH AVE	PORTLAND
ROW07	784	1S2E04CC -02700	8505-8511 SE DIVISION ST	PORTLAND
ROW07	785	1S2E04CC -02701	8525 W/ SE DIVISION ST	PORTLAND
ROW07	786	1S2E04CC -04200	8435 SE DIVISION ST	PORTLAND
ROW07	907	1S2E05DD -00700	8135 SE DIVISION ST	PORTLAND
ROW07	1181	1S2E09BB -01500	8480 SE DIVISION ST	PORTLAND
ROW07	1187	1S2E09BB -04000	8228 SE DIVISION ST	PORTLAND
ROW07	1188	1S2E09BB -04100	8210 SE DIVISION ST	PORTLAND
ROW08	1180	1S2E09BB -01400	8560 SE DIVISION ST	PORTLAND
ROW08	1178	1S2E09BB -00100	8658 SE DIVISION ST	PORTLAND
ROW08	1179	1S2E09BB -00200	8640 SE DIVISION ST	PORTLAND
ROW08	1162	1S2E09AB -03900	9226 SE DIVISION ST	PORTLAND
ROW09	818	1S2E04DD -01900	10105 SE DIVISION ST	PORTLAND
ROW09	819	1S2E04DD -02000	10011 SE DIVISION ST	PORTLAND
ROW09	1152	1S2E09AA -00400	10114 SE DIVISION ST	PORTLAND
ROW09	1153	1S2E09AA -06500	2517 SE 101ST AVE	PORTLAND
ROW11	749	1S2E03CD -02700	11131 SE DIVISION ST	PORTLAND
ROW11	750	1S2E03CD -02800	11121 SE DIVISION ST	PORTLAND
ROW11	751	1S2E03CD -02900	11109 SE DIVISION ST	PORTLAND
ROW11	761	1S2E03DC -06800	11529 SE DIVISION ST	PORTLAND
ROW11	762	1S2E03DC -06900	2450 SE 115TH AVE	PORTLAND
ROW11	1198	1S2E10AB -00100	11612-11622 SE DIVISION ST	PORTLAND
ROW11	1203	1S2E10AB -03700	11250 SE DIVISION ST	PORTLAND
ROW11	1204	1S2E10AB -03800	11230 SE DIVISION ST	PORTLAND
ROW11	763	1S2E03DC -08100	2447 SE 115TH ST	PORTLAND
ROW11	1200	1S2E10AB -00400	11514 SE DIVISION ST	PORTLAND
ROW12	687	1S2E02CC -05400	2450 SE 122ND AVE	PORTLAND
ROW12	688	1S2E02CC -05500	12239-12309 SE DIVISION ST	PORTLAND
ROW12	771	1S2E03DD -07500	12141 SE DIVISION ST	PORTLAND
ROW12	772	1S2E03DD -07600	12121 SE DIVISION ST	PORTLAND
ROW12	776	1S2E03DD -09100	11911 SE DIVISION ST	PORTLAND
ROW12	779	1S2E03DD -09400	11709 SE DIVISION ST	PORTLAND
ROW12	1189	1S2E10AA -00100	12154 SE DIVISION ST	PORTLAND
ROW12	1192	1S2E10AA -00400	11904-11928 SE DIVISION ST	PORTLAND
ROW12	1194	1S2E10AA -06300	11838 SE DIVISION ST	PORTLAND
ROW12	1197	1S2E10AA -09300	11716-11724 SE DIVISION ST	PORTLAND
ROW12	1291	1S2E11BB -06700	2510-2514 SE 122ND AVE	PORTLAND
ROW12	1292	1S2E11BB -06800	2524-2620 SE 122ND AVE	PORTLAND
ROW12	1293	1S2E11BB -06900	12200 SE DIVISION ST	PORTLAND
ROW13	708	1S2E02CD -05101	13007 SE DIVISION ST	PORTLAND

ROW13	709	1S2E02CD -05200	13007 SE DIVISION ST	PORTLAND
ROW13	1265	1S2E11BA -08201	2507-2511 SE 130TH AVE	PORTLAND
ROW13	1269	1S2E11BA -90000	SE Division and SE 130th Ave	PORTLAND
ROW14	1253	1S2E11AB -06600	13520 SE DIVISION ST	PORTLAND
ROW14	724	1S2E02DC -07300	13429 SE DIVISION ST	PORTLAND
ROW14	723	1S2E02DC -07200	13503-13511 SE DIVISION ST	PORTLAND
ROW14	1251	1S2E11AB -00300	13608 SE DIVISION ST	PORTLAND
ROW15	638	1S2E01CC -05700	14515 SE DIVISION ST	PORTLAND
ROW15	639	1S2E01CC -08900	14425 SE DIVISION ST	PORTLAND
ROW15	644	1S2E01CC -13600	14229 SE DIVISION ST	PORTLAND
ROW15	732	1S2E02DD -02100	2443 SE 142ND AVE	PORTLAND
ROW15	1236	1S2E11AA -00100	14154 SE DIVISION ST	PORTLAND
ROW15	1320	1S2E12BB -02000	14440 SE DIVISION ST	PORTLAND
ROW15	1325	1S2E12BB -02500	14222 SE DIVISION ST	PORTLAND
ROW15	1326	1S2E12BB -02501	14222 WI/ SE DIVISION ST	PORTLAND
ROW15	1327	1S2E12BB -06400	2520 SE 145TH AVE	PORTLAND
ROW16	1294	1S2E12 -00101	14700 SE DIVISION ST	PORTLAND
ROW16	650	1S2E01CD -05200	14917 SE DIVISION ST	PORTLAND
ROW16	651	1S2E01CD -05300	14815 WI/ SE DIVISION ST	PORTLAND
ROW16	652	1S2E01CD -05400	14815 SE DIVISION ST	PORTLAND
ROW16	1319	1S2E12BA -03700	14836 SE DIVISION ST	PORTLAND
ROW17	658	1S2E01DC -01600	15643-15649 SE DIVISION ST	PORTLAND
ROW17	1295	1S2E12AA -00100	16002-16140 SE DIVISION ST	PORTLAND
ROW17	1301	1S2E12AA -03900	2510-2598 SE 157TH AVE	PORTLAND
ROW17	683	1S2E01DD -12400	16141 WI/ SE DIVISION ST	PORTLAND
ROW17	1473	1S3E07BB -10800	16226 SE DIVISION ST	PORTLAND
ROW18	1397	1S3E06CC -02902	16211 SE DIVISION ST	PORTLAND
ROW18	1398	1S3E06CC -02903	16255 SE DIVISION ST, UN 101	PORTLAND
ROW18	1407	1S3E06CD -05400	16901 WI/ SE DIVISION ST	PORTLAND
ROW18	1408	1S3E06CD -05500	16901 WI/ SE DIVISION ST	PORTLAND
ROW18	1411	1S3E06CD -05800	16901 WI/ SE DIVISION ST	PORTLAND
ROW18	1461	1S3E07BA -06800	16804-16902 SE DIVISION ST	PORTLAND
ROW18	1462	1S3E07BA -13500	16742 SE DIVISION ST	PORTLAND
ROW19	1420	1S3E06DC -07000	SE Division and SE 174th Ave	PORTLAND
ROW19	1421	1S3E06DC -07100	17405 SE DIVISION ST	PORTLAND
ROW19	1422	1S3E06DC -07200	17309 SE DIVISION ST	PORTLAND
ROW19	1450	1S3E07AB -07300	17420 SE DIVISION ST	PORTLAND
ROW19	1451	1S3E07AB -11900	17310 SE DIVISION ST	PORTLAND
ROW20	1427	1S3E06DD -03100	18051-18081 SE DIVISION ST	GRESHAM
ROW20	1511	1S3E08BB -04200	18316 SE DIVISION ST	GRESHAM
ROW20	1513	1S3E08BB -04200	18238 SE DIVISION ST	GRESHAM
ROW21	1355	1S3E04CD -07801	1525 NW DIVISION ST	GRESHAM
ROW21	1392	1S3E05DC -01100	19333 SE DIVISION ST	GRESHAM
ROW21	1393	1S3E05DC -01300	2951-2955 NW DIVISION ST	GRESHAM
ROW21	1474	1S3E08A -00100	2826 NW DIVISION ST	GRESHAM
ROW21	1476	1S3E08A -00300	3030 NW DIVISION ST	GRESHAM
ROW21	1543	1S3E09BA -07701	991 NW Towle Ave	GRESHAM
ROW21	1544	1S3E09BA -07702	997 NW Towle Ave	GRESHAM
ROW21	1545	1S3E09BA -07800	1612 NW DIVISION ST	GRESHAM
ROW21	1546	1S3E09BA -07900	990 NW ANGELINE AVE	GRESHAM
ROW21	1547	1S3E09BA -11300	1620 NW DIVISION ST	GRESHAM
ROW22	1353	1S3E04DD -03003	639 NW DIVISION ST	GRESHAM
ROW22	1356	1S3E04DC -00600	NEC/ WALLULA & NW DIVISION ST	GRESHAM
ROW22	1357	1S3E04DC -00702	1017-1089 NW CIVIC DR	GRESHAM
ROW22	1358	1S3E04DC -01000	1018-1088 NW CIVIC DR	GRESHAM

ROW22	1360	1S3E04DD -02500	355 W/ NW DIVISION ST	GRESHAM
ROW22	1364	1S3E04DD -03100	1064 NW NORMAN AVE - 533 NW DIVISION ST	GRESHAM
ROW22	1365	1S3E04DD -03200	1297 NW EASTMAN PKWY	GRESHAM
ROW22	1515	1S3E09A -00100	590-810 NW EASTMAN PKWY	GRESHAM
ROW22	1526	1S3E09AB -00300	830-840 NW DIVISION ST	GRESHAM
ROW22	1527	1S3E09AB -00400	850-860 NW DIVISION ST	GRESHAM
ROW22	1528	1S3E09AB -00500	890 NW DIVISION ST	GRESHAM
ROW22	1529	1S3E09AB -00600	968 E/ NW DIVISION ST	GRESHAM
ROW22	1530	1S3E09AB -00700	968 NW DIVISION ST	GRESHAM
ROW23	1614	1S3E10BA -02100	523-575 NE 8TH ST	GRESHAM
ROW23	1573	1S3E10AB -01000	820 NE CLEVELAND AVE	GRESHAM
ROW24	1564	1S3E10AA -02000	1200 E/ NE 8TH ST	GRESHAM
ROW24	1572	1S3E10AA -02901	1301 NE 8TH ST	GRESHAM
ROW24	1574	1S3E10AB -01101	1201 NE 8TH ST	GRESHAM

